statute, and that there had been a failure of legislation with reference to the statute. *State* v. *Claiborne* (Iowa, 1919), 170 N. W. 417.

In this case there were three possibilities of decision. The court might have held it without its powers to insert the word "not" into the statute, and yet held the statute valid; it might have deemed it within the province of the judiciary to construe into the statute the word "not", so as to effectuate the obvious intention of the legislature; or it might have proceeded as it did and declared the statute of no effect inasmuch as it was not the function of the court to legislate. To have allowed the statute to remain enforcible strictly according to its letter would have been unjust and caused an absurd condition. Such a course was out of the question. But could the court insert the omitted word into the statute, thereby making the statute read in direct opposition to the legislative draft? While it is true that when the intention of the lawmakers can be collected from the whole statute, from the title or preamble, or from related provisions, words may be supplied so as to obviate any inconsistency with such intention, LEWIS'S SUTHERLAND'S STATUATORY CONSTRUCTION, Sec. 410, however in the principal case there was none of these tangible hints at which the court could grasp in its construction. Here the language presented no ambiguity, and the court followed the established rule that it cannot qualify it by interpolation. *People* v. *Sands,* 102 Cal. 12; *Swarts* v. *Siegel,* 117 Fed. 13; *U. S.* v. *Diamonds,* 139 Fed. 961. In *Manhattan* v. *City of New York,* 147 N. Y. S. 835, the court said, "If the legislature fails to insert such provisions in the law as will accomplish the result intended, their omissions cannot be remedied by construction, and the law must, to that extent, be considered defective and inoperative, the court having no power to interpolate words or phrases." Also see *U. S.* v. *Ragsdale,* Hemst, 497. Where a statute as printed omitted the word "not", which appeared in the enrolled act, and afterwards the statute was amended and reenacted and the word "not" omitted from both the enrolled and printed acts, it was held to be a clerical error and the omitted word construed into the amended act. *Hutchings* v. *Com'l. Bank,* 91 Va. 68. Here the omission made the act unintelligible and incongruous, while in the principal case the meaning was perfectly plain and there was no inconsistency caused by passing the act as it was. It being quite evident in the case at bar that to enforce the act as it stood would have wrought a condition conflicting with reasonable requirements of conduct, and inasmuch as the court would have laid itself open to the frequent adverse criticism of judicial legislation by inserting the omitted word, the holding of the court was logical and expedient in declaring there had been a failure of legislation where the act would have wrought the very evils it sought to remedy.

WORKMEN'S COMPENSATION ACT — DEPENDENCY. — Under a Workmen's Compensation Act (Code § 3193k, Sec. 140, par. 8, 29 Laws of Delaware 763. p. 771) providing that if there be neither widow, widower nor children of deceased, compensation shall be paid "to the father and mother, or the survivor of them, if dependent to any extent upon the employee for support at the time of his death", *held,* that if the wages of a minor son deceased had

helped to supply the family with such means of living as would enable them to live in a style and condition and with a degree of comfort suitable and becoming to their station in life, and the father was lacking in the health or ability requisite to furnish such means by his own reasonable efforts, the father was dependent upon the son for support within the meaning of the statute. *Benjamin F. Shaw Co.* v. *Palmatory, et al.* (Del., 1919), 105 A. 417

This rule of law, to which the jury must apply the evidence in a determination of the question of dependency in fact, has, in so far as dependency is defined to mean dependent for the ordinary necessities of life for a person of that class and position in life, been widely approved and employed as the most just standard capable of practical application. *Simmons* v. *White Bros.*, 80 L. T. N. S. 344; Lord Shand in *Main Colliery Co.* v. *Davies*, 83 L. T. N. S. 83; *Dazy* v. *Apponaug Co.*, 36 R. I. 81; *Hotel Bond Co.'s Appeal*, 89 Conn. 143; *Parson* v. *Murphy*, 101 Neb. 542 (546, 547); *Poccardi* v. *State Compensation Com'r*, 79 W. Va. 684; *In re Carroll* (Ind., 1917), 116 N. E. 844; *Jackson* v. *Erie, etc.*, 86 N. J. L. 550; BOYD, WORKMEN'S COMPENSATION, Secs. 232, 234, 496; BRADBURY'S WORKMEN'S COMPENSATION, 2nd Ed., Vol. I, p. 571. The further requirement, as expounded by the principal case, to establish a condition of dependency, namely, that the father be deficient in the physical or mental capacity to support the family by his own reasonable efforts, also commends itself as founded in common sense and good reason. Most of the cases, however, are barren of discussion on this point and do not seem concerned with more than a consideration of the claimant's actual reliance for support, as above explained, upon the wages of the deceased at the time of injury or death. *Simmons* v. *White, supra; Howells* v. *Vivian and Sons*, 85 L. T. N. S. 529; *State* v. *District Court of Rice County*, 134 Minn. 324; *Conners* v. *Public Service Electric Co.*, 89 N. J. L. 99; *Havey* v. *Erie Railroad Co.*, 88 N. J. L. 684. Yet in at least three states governed by statutes substantially similar to that of Delaware, the courts have expressed themselves as opposed to such an interpretation of the law. *Herrick's Case*, 217 Mass. 111; *Kenney's Case*, 222 Mass. 401; *McMahon's Case*, 229 Mass. 48; *In re Lanman* (Ind., 1917), 117 N. E. 671; *Blanton* v. *Wheeler and Howes Co.*, 91 Conn. 226 (232). And see also *State* v. *District Court of Ramsey County*, 134 Minn. 131, decided under a 1915 amendment to the Minnesota Act of 1913.

WORKMEN'S COMPENSATION ACT—DEPENDENCY—REMARRIAGE OF DECEASED WORKMAN'S WIDOW.—Plaintiff, widow of a workman fatally injured while in employ of defendant company, remarried before expiration of the period during which she was entitled to compensation by award under the Workmen's Compensation Act. Upon application of the defendant company to vacate or modify the award on the ground that plaintiff was then dependent, within the meaning of the Act, solely on her second husband, it was *held* that the former decree could not be reviewed and that plaintiff's remarriage did not affect her right to compensation. *Newton* v. *Rhode Island Co.* (R. I., 1919), 105 Atl. 363.

The court bases its decision upon the construction of the Workmen's